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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Manuel Bandres Oto and Elisa Lopez-Belio,
individually, and on behalf of all eligible
beneficiaries of claims arising from the
wrongful death of Marina Bandres Lopez-
Belio;

Wilhelm Hubert Bahnners and Martha Seidle,
individually, as personal representatives of
the Estate of Frank Bahnners, deceased, and
on behalf of all eligible beneficiaries of
claims arising from the wrongful death of
Frank Bahnners;

Bernd Baum and Ingrid Baum, guardians of
minors "Y.M." and "L.M." beneficiaries of
the claim for the wrongful death of Stefan
Meyer and Barbara Meyer;

Bringfried Baum and Ruth Baum,
individually, as personal representatives of
the Estate of Barbara Meyer, deceased, and
on behalf of all eligible beneficiaries of
claims arising from the wrongful death of
Barbara Meyer;

No. CV-16-01027-PHX-DJH

**COMPLAINT FOR WRONGFUL
DEATH, NEGLIGENCE**
(Redacted pursuant to FRCP Rule 5.2(a)
and Court Order, April 14, 2016)

JURY TRIAL DEMANDED

1 Wilhelm Bergjürgen and Stefanie Assmann,
2 individually, as personal representatives of
3 the Estate of minor “L.B.”, deceased, and on
4 behalf of all eligible beneficiaries of claims
arising from the wrongful death of minor
“L.B.”;

5 Frank Blendermann and Ulrike
6 Blendermann, individually, as personal
7 representatives of the Estate of Tim
8 Blendermann, deceased, and on behalf of all
9 eligible beneficiaries of claims arising from
the wrongful death of Tim Blendermann;

10 Dr. Martin Bleß and Annette Bleß,
11 individually, as personal representatives of
12 the Estate of minor “E.B.,” deceased, and on
13 behalf of all eligible beneficiaries of claims
arising from the wrongful death of “E.B.”

14 Elsbeth Blumhoff, Steffen Walter and
15 Natalie Walter, individually, as personal
16 representatives of the Estate of Sabine
17 Jockheck, deceased, and on behalf of all
eligible beneficiaries of claims arising from
the wrongful death of Sabine Jockheck;

18 Ana Quenty Bogado Benitez, as natural
19 parent of minors “G.S.” and “R.S.,” Gunter
20 Schmidt and Johanna Schmidt, individually,
21 as personal representatives of the Estate of
22 Ralph Schmidt, deceased, and on behalf of
23 all eligible beneficiaries of claims arising
from the wrongful death of Ralph Schmidt;

24 Andreas Bourgeois, individually, as personal
25 representative of the Estates of Dietmar
26 Bourgeois, deceased, and Roswitha
27 Bourgeois, deceased, and on behalf of all
28 eligible beneficiaries of claims arising from
the wrongful death of Dietmar Bourgeois and
Roswitha Bourgeois;

1 Carol Anne Bramley, individually, as
2 personal representative of the Estate of Paul
3 Bramley, deceased, and on behalf of all
4 eligible beneficiaries of claims arising from
5 the wrongful death of Paul Bramley; and
6 Philip Bramley, individually, and on behalf
7 of all eligible beneficiaries of claims arising
8 from the wrongful death of Paul Bramley;

9 Oliver Brillert and Josef Cercek,
10 individually, as personal representatives of
11 the Estate of Sonja Cercek, deceased, and on
12 behalf of all eligible beneficiaries of claims
13 arising from the wrongful death of Sonja
14 Cercek;

15 Olga Bryjak, Dimitri Bryjak and Vasili
16 Bryjak, individually, as personal
17 representatives of the Estate of Oleg Bryjak,
18 deceased, and on behalf of all eligible
19 beneficiaries of claims arising from the
20 wrongful death of Oleg Bryjak;

21 Emine Celik, individually, as personal
22 representative of the Estate of Muradiye
23 Lohmann, deceased, and on behalf of all
24 eligible beneficiaries of claims arising from
25 the wrongful death of Muradiye Lohmann;

26 Machiel Jozef Claassen and Petronella
27 Andrea Van Doorne, individually, as
28 personal representatives of the Estate of Iris
Claassen, deceased, and on behalf of all
eligible beneficiaries of claims arising from
the wrongful death of Iris Claassen;

Bernd Drüppel and Anne Drüppel,
individually, as personal representatives of
the Estate of minor "L.D.," deceased, and on
behalf of all eligible beneficiaries of claims
arising from the wrongful death of minor
"L.D."

1 Hilmar Eils, individually, as personal
2 representative of the Estate of minor "S.E.,"
3 deceased, and on behalf of all eligible
4 beneficiaries of claims arising from the
5 wrongful death of minor "S.E.";

6 Hildegard Fandrich, individually, and on
7 behalf of all eligible beneficiaries of claims
8 arising from the wrongful death of Kerstin
9 Oelrich;

10 Stefanie Fischenich, as natural parent of
11 minor "M.F.," Brigitte Fischenich and Jorgen
12 Fischenich individually, as personal
13 representatives of the Estate of Sven
14 Fischenich, deceased, and on behalf of all
15 eligible beneficiaries of claims arising from
16 the wrongful death of Sven Fischenich;

17 Tanja Fischer, as natural parent of minor
18 "L.F.," individually, as personal
19 representative of the Estate of "F.S.,"
20 deceased, and on behalf of all eligible
21 beneficiaries of claims arising from the
22 wrongful death of "F.S.";

23 Anna Maria Gallego, as natural parent of
24 minor "A.M.," individually, as personal
25 representative of the Estate of Luis Eduardo
26 Medrano Aragon, deceased, and on behalf of
27 all eligible beneficiaries of claims arising
28 from the wrongful death of Luis Eduardo
Medrano Aragon;

Herbert Gerdes and Sabine Wardenga-
Gerdes, individually, as personal
representatives of the Estate of minor
"G.G.," deceased, and on behalf of all
eligible beneficiaries of claims arising from
the wrongful death of minor "G.G.";

Jürgen Gortmann and Elke Gortmann,
individually, as personal representatives of

1 the Estate of Dennie Gortmann, deceased,
2 and on behalf of all eligible beneficiaries of
3 claims arising from the wrongful death of
Dennie Gortmann;

4 Philipp Gottschall, Vera Gottschall, Carolin
5 Gottschall and Rudolfa Wübbel,
6 individually, as personal representatives of
7 the Estate of Beatrix Gottschall, and on
8 behalf of all eligible beneficiaries of claims
arising from the wrongful death of Beatrix
Gottschall;

9 Peter Hahn and Petra Hahn, individually, as
10 personal representatives of the Estate of
11 minor "A.H.," deceased, and on behalf of all
12 eligible beneficiaries of claims arising from
the wrongful death of minor "A.H.";

13 Sonja Hedermann, individually, as personal
14 representatives of the Estate of Sascha
15 Schenk, deceased, and on behalf of all
16 eligible beneficiaries of claims arising from
the wrongful death of Sascha Schenk;

17 Edgar Hermann and Andrea Hermann,
18 individually, as personal representatives of
19 the Estate of minor "J.H.," deceased, and on
20 behalf of all eligible beneficiaries of claims
arising from the wrongful death of minor
"J.H.";

21 Harald Höfer and Manuela Höfer
22 individually, as personal representatives of
23 the Estate of Christopher Höfer, deceased,
24 and on behalf of all eligible beneficiaries of
25 claims arising from the wrongful death of
Christopher Höfer;

26 Mohammed Mehti Hojjatoleslami and
27 Maryam Taherpour, individually, as personal
28 representatives of the Estate of Milad
Hojjatoleslami, deceased, and on behalf of

1 all eligible beneficiaries of claims arising
2 from the wrongful death of Milad
Hojjatoleslami;

3 Wanda Höltekemeyer, individually, as
4 personal representative of the Estate of Anke
5 Kohlstädt, deceased, and on behalf of all
6 eligible beneficiaries of claims arising from
the wrongful death of Anke Kohlstädt;

7 Brigitte Hülsmann, individually, as personal
8 representative of the Estate of Klaus
9 Hülsmann, deceased, and on behalf of all
10 eligible beneficiaries of claims arising from
the wrongful death of Klaus Hülsmann;

11 Julia Jockheck, Michaela Jockheck and
12 Korinna Walther, individually, as personal
13 representatives of the Estate of Manfred
14 Jockheck, deceased, and on behalf of all
15 eligible beneficiaries of claims arising from
the wrongful death of Manfred Jockheck;

16 Susanne Klüh and Annemarie Klüh,
17 individually, as personal representatives of
18 the Estate of Stefan Klüh, deceased, and on
19 behalf of all eligible beneficiaries of claims
arising from the wrongful death of Stefan
Klüh;

20 Herbert Koch and Anne Koch, individually,
21 as personal representatives of the Estate of
22 minor "M.K.," deceased, and on behalf of all
23 eligible beneficiaries of claims arising from
the wrongful death of minor "M.K.";

24 Günter Kohlstädt and Ursula Kohlstädt,
25 individually, as personal representatives of
26 the Estate of Michael Kohlstädt, deceased,
27 and on behalf of all eligible beneficiaries of
28 claims arising from the wrongful death of
Michael Kohlstädt;

1 Mark Kevin Kohlstädt, individually, as
2 personal representative of the Estates of
3 Michael Kohlstädt, deceased, and Anke
4 Kohlstädt, deceased, and on behalf of all
5 eligible beneficiaries of claims arising from
6 the wrongful death of Michael Kohlstädt,
7 deceased, and Anke Kohlstädt, deceased; and
8 Gabriele Löchel, legal guardian of minor
"E.K.," individually, and on behalf of all
eligible beneficiaries of the claims for the
wrongful deaths of Michael Kohlstädt and
Anke Kohlstädt;

9 Karl Korolczuk and Danuta Korolczuk,
10 individually, as personal representatives of
11 the Estate of Maik Korolczuk, deceased, and
12 on behalf of all eligible beneficiaries of
13 claims arising from the wrongful death of
Maik Korolczuk;

14 Emil Kraus and Elisabeth Kraus,
15 individually, as personal representative of the
16 Estate of Peter Heinz Kraus, deceased, and
17 on behalf of all eligible beneficiaries of
claims arising from the wrongful death of
Peter Heinz Kraus;

18 Joachim Lehmann, individually, as personal
19 representative of the Estate of Diana
20 Lehmann, deceased, and on behalf of all
21 eligible beneficiaries of claims arising from
the wrongful death of Diana Lehmann;

22 Esther Lopez Llopis, Gina Oppenau Lopez,
23 Noel Oppenau Lopez and Gertrud Gehlen,
24 individually, as personal representatives of
25 the Estate of Dirk Oppenau, deceased, and on
26 behalf of all eligible beneficiaries of claims
arising from the wrongful death of Dirk
Oppenau;

27 Karl Ludwig, individually, as personal
28 representative of the Estate of Bettina

1 Ludwig, deceased, and on behalf of all
2 eligible beneficiaries of claims arising from
the wrongful death of Bettina Ludwig;

3 Andreas Lütkenhaus and Kirsten
4 Lütkenhaus, individually, as personal
5 representatives of the Estate of minor "P.L.,"
6 deceased, and on behalf of all eligible
7 beneficiaries of claims arising from the
wrongful death of minor "P.L."

8 Dominik Marcol and Consuelo de Nuno
9 Carazo, individually, as personal
10 representatives of the Estate of Maria de
11 Paplo Nuno, deceased, and on behalf of all
12 eligible beneficiaries of claims arising from
the wrongful death of Maria de Paplo Nuno;

13 Sharon Anne Matthews, individually, as
14 personal representative of the Estate of
15 Martyn Matthews, deceased, and on behalf
16 of all eligible beneficiaries of claims arising
17 from the wrongful death of Martyn
18 Matthews; and Nathan Luke Matthews, Jade
19 Matthews and Iris Matthews, individually,
and on behalf of all eligible beneficiaries of
claims arising from the wrongful death of
Martyn Matthews;

20 Christine Maue and Beate Maue,
21 individually, as personal representatives of
22 the Estate of Jürgen Diemer, deceased, and
23 Claudia Diemer, deceased, and on behalf of
24 all eligible beneficiaries of claims arising
from the wrongful deaths of Jürgen Diemer
and Claudia Diemer;

25 Heide Meurer and Bernd Koch, individually,
26 as personal representatives of the Estate of
27 Lutz Koch, deceased, and on behalf of all
28 eligible beneficiaries of claims arising from
the wrongful death of Lutz Koch;

1 Udo Meyer and Ruth Meyer, individually, as
2 personal representatives of the Estate of
3 Stefan Meyer, deceased, and on behalf of all
4 eligible beneficiaries of claims arising from
the wrongful death of Stefan Meyer;

5 Frank Noack and Jana Noack, individually,
6 as personal representatives of the Estate of
7 Juliane Noack, deceased, and on behalf of all
8 eligible beneficiaries of claims arising from
the wrongful death of Juliane Noack;

9 Carolin Oelrich and Christiane Oelrich,
10 individually, as personal representatives of
11 the Estates of Andreas Oelrich, deceased,
12 and Kerstin Oelrich, deceased, and on behalf
13 of all eligible beneficiaries of claims arising
from the wrongful deaths of Andreas Oelrich
and Kerstin Oelrich;

14 Hilde Oelrich, individually, and on behalf of
15 all eligible beneficiaries of claims arising
from the wrongful death of Andreas Oelrich;

16 Günter Olthoff and Heidi Olthoff,
17 individually, as personal representatives of
18 the Estate of Geert Olthoff, deceased, and on
19 behalf of all eligible beneficiaries of claims
20 arising from the wrongful death of Geert
Olthoff;

21 Pawel Pracz, individually, as personal
22 representative of the Estates of Marina
23 Bandres Lopez-Belio, deceased, and minor
24 "J.P.," deceased, and on behalf of all eligible
25 beneficiaries of claims arising from the
wrongful death of Marina Bandres Lopez-
Belio and minor "J.P.";

26 Herman Püntmann and Annemarie
27 Püntmann, individually, as personal
28 representatives of the Estate of Ann-Kathrin
Püntmann, deceased, and on behalf of all

1 eligible beneficiaries of claims arising from
2 the wrongful death of Ann-Kathrin
Püntmann;

3 Klaus Radner, individually, as personal
4 representative of the Estate of Maria Radner,
5 deceased, and on behalf of all eligible
6 beneficiaries of claims arising from the
wrongful death of Maria Radner;

7 Gladys Razo and Saturnino Ajón Tirado,
8 individually, as personal representatives of
9 the Estate of Daniela Ajón Razo, deceased,
10 and on behalf of all eligible beneficiaries of
11 claims arising from the wrongful death of
Daniela Ajón Razo;

12 Dirk Rogge and Anne Rogge, individually,
13 as personal representatives of the Estate of
14 minor "F.R.," deceased, and on behalf of all
15 eligible beneficiaries of claims arising from
the wrongful death of minor "F.R.";

16 Mayuko Sato, as natural parent of minors
17 "R.S." and "N.S.," individually, as personal
18 representative of the Estate of Junichi Sato,
19 deceased, and on behalf of all eligible
beneficiaries of claims arising from the
wrongful death of Junichi Sato;

20 Wilhelm Scheideler and Kerstin
21 Stürzebecher, individually, as personal
22 representatives of the Estate of minor "R.S.,"
23 deceased, and on behalf of all eligible
24 beneficiaries of claims arising from the
wrongful death of minor "R.S."

25 Helmut Erwin Schenk, individually, as
26 personal representative of the Estate of
27 Stefanie Schenk, deceased, and on behalf of
28 all eligible beneficiaries of claims arising
from the wrongful death of Stefanie Schenk;

1 Ferdinand Schmitz, Sabine Röhliger and
2 Brigitte Hülsmann, individually, as personal
3 representatives of the Estate of Jessica
4 Hülsmann, deceased, and on behalf of all
5 eligible beneficiaries of claims arising from
6 the wrongful death of Jessica Hülsmann;

7 Ludwig Schonebeck and Ulrike Schonebeck,
8 individually, as personal representatives of
9 the Estate of Erick Schonebeck, deceased,
10 and on behalf of all eligible beneficiaries of
11 claims arising from the wrongful death of
12 Erik Schonebeck;

13 Dietrich Schützler, Franziska Kusserow and
14 Matthias Schützler, individually, as personal
15 representatives of the Estate of Karin
16 Schützler, deceased, and on behalf of all
17 eligible beneficiaries of claims arising from
18 the wrongful death of Karin Schützler;

19 Rolf Schukart and Petra Schukart,
20 individually, as personal representatives of
21 the Estate of minor "L.S.," deceased, and on
22 behalf of all eligible beneficiaries of claims
23 arising from the wrongful death of minor
24 "L.S."

25 Thomas Siebe and Marion Siebe,
26 individually, as personal representatives of
27 the Estate of minor "H.S.," deceased, and on
28 behalf of all eligible beneficiaries of claims
arising from the wrongful death of minor
"H.S."

Danny Smailagić, individually, as personal
representative of the Estates of Emira
Smailagić, deceased and Fehret Smailagić,
deceased, and on behalf of all eligible
beneficiaries of claims arising from the
wrongful deaths of Emira Smailagić and
Fehret Smailagić.

1 Michael Soblik and Gila Soblik, individually,
2 as personal representatives of the Estate of
3 Larissa Soblik, deceased, and on behalf of all
4 eligible beneficiaries of claims arising from
the wrongful death of Larissa Soblik;

5 Andreas Stahl and Cornelia Stahl,
6 individually, as personal representatives of
7 the Estate of Sebastian Stahl, deceased, and
8 on behalf of all eligible beneficiaries of
claims arising from the wrongful death of
Sebastian Stahl;

9 Jürgen Strang and Dagmar Strang,
10 individually, as personal representatives of
11 the Estate of minor "S.S," deceased, and on
12 behalf of all eligible beneficiaries of claims
13 arising from the wrongful death of minor
"S.S."

14 Carlos Andrews Suarez Acosta, Marleny
15 Concepcion Ocampo Molano and Luis
16 Eduardo Tejada Arellano, individually, as
17 personal representatives of the Estate of
18 Maria del Pilar Tejada Ocampo, deceased,
19 and on behalf of all eligible beneficiaries of
claims arising from the wrongful death of
Maria del Pilar Tejada Ocampo;

20 Hassan Tahrioui and Fadila El Boujjoufi,
21 individually, as personal representatives of
22 the Estate of Mohamed Tahrioui, deceased,
23 and on behalf of all eligible beneficiaries of
claims arising from the wrongful death of
Mohamed Tahrioui;

24 Engelbert Tegethoff and Brigitte Tegethoff,
25 individually, as personal representatives of
26 the Estate of Stefanie Tegethoff, deceased,
27 and on behalf of all eligible beneficiaries of
28 claims arising from the wrongful death of
Stefanie Tegethoff;

1 Hans-Wolfgang Treppe and Eva-Marie
2 Treppe, individually, as personal
3 representatives of the Estate of Thomas
4 Treppe, deceased, and on behalf of all
eligible beneficiaries of claims arising from
the wrongful death of Thomas Treppe;

5 Peter Venhoff and Anke Venhoff,
6 individually, as personal representatives of
7 the Estate of minor "A.V.," deceased, and on
8 behalf of all eligible beneficiaries of claims
9 arising from the wrongful death of minor
"A.V."

10 Wolfgang Voß and Brigitte Voß,
11 individually, as personal representatives of
12 the Estate of Jens Voß, deceased, and on
13 behalf of all eligible beneficiaries of claims
arising from the wrongful death of Jens Voß;

14 Günter Welters and Margarete Sadlo,
15 individually, as personal representatives of
16 the Estate of Kristina Sadlo, deceased, and
17 on behalf of all eligible beneficiaries of
claims arising from the wrongful death of
Kristina Sadlo; and

18 Ludger Westermann and Silke Westermann,
19 individually, as personal representatives of
20 the Estate of minor "C.W.," deceased, and on
21 behalf of all eligible beneficiaries of claims
22 arising from the wrongful death of minor
"C.W.,"

23 Plaintiffs,

24 v.

25 Airline Training Center Arizona, Inc.,
26

27 Defendant.
28

1 Plaintiffs, individually, as representatives of the respective estates of the
2
3 Decedents named herein, and on behalf of all statutory beneficiaries of the claims for the
4 wrongful deaths of the Decedents named herein, by their attorneys Kreindler & Kreindler
5 LLP, allege and state as follows:

6
7 **JURISDICTION AND VENUE**

8 1. Jurisdiction in this Court is based upon 28 U.S.C. §1332(a), diversity of
9 citizenship by reason of the fact that no plaintiff is a citizen or resident of the State of
10 Arizona, the defendant Airline Training Center Arizona, Inc. (“ATCA”) was incorporated
11 in the State of Arizona and at all relevant times ATCA had its principal place of business
12 in Arizona.

13
14 2. Venue is proper in this jurisdiction because ATCA’s principal place of
15 business is Arizona and the wrongful and negligent acts that give rise to this action took
16 place in Arizona.

17
18 3. The amount in controversy for each claim asserted in this wrongful death
19 action is in excess of \$75,000 excluding interest and costs.

20
21 **PRELIMINARY STATEMENT**

22 4. On March 24, 2015, Andreas Lubitz (hereinafter “Lubitz”) was a
23 Germanwings employee assigned to be the co-pilot of an Airbus A320-211 registered as
24 D-AIPX (hereinafter “subject aircraft”) and operated by Germanwings as Flight 4U9525
25 that departed Barcelona, Spain with an intended destination of Dusseldorf, Germany
26 (hereinafter the “subject flight”). Two pilots, four cabin crew and 144 passengers were
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1 on board the subject flight.

2 5. Lubitz committed suicide during the subject flight and killed all persons on
3 board by flying the subject aircraft into mountainous terrain near Alpes-de-Haute-
4 Provence, France. At approximately 9:30 a.m. CET, Lubitz locked the other pilot out of
5 the cockpit and programmed the subject aircraft to descend. Over the next approximately
6 11 minutes the subject aircraft continued to change airspeed and descend toward the
7 ground as the pilot repeatedly shouted for Lubitz to let him into the cockpit and pounded
8 on the door in an effort to gain entry to the cockpit. During this sequence of events until
9 the moment of impact, the passengers experienced extreme fear of impending death,
10 panic, pain, suffering and unimaginable mental anguish. At approximately 9:41 a.m.
11 CET the subject aircraft impacted terrain, killing all on board.

12 6. As more fully set forth in this complaint, ATCA was negligent, careless and
13 reckless and breached its duty of care to the passengers of Germanwings Flight 4U9525
14 in failing to properly screen Lubitz when he applied for admission to its commercial
15 airline training center because, among other things, proper screening would have revealed
16 his history of severe depression, suicidal ideations, hospitalization on account of such
17 mental disorders and his dishonesty and untrustworthiness, making him unqualified to
18 become a Lufthansa commercial airline pilot.

19 7. During his flight training, ATCA failed to properly monitor Lubitz for
20 symptoms of psychological abnormalities, reactive depression and personality disorders
21 and when Lubitz exhibited such symptoms ATCA failed to disqualify him from
22 continuing his training to become a commercial airline pilot.

1 8. Furthermore, ATCA was the gatekeeper to Lubitz's career as a Lufthansa
2 commercial airline pilot and knew or should have known that Lubitz's mental disorders
3 and lack of trustworthiness created the risk that were he not denied admission to its flight
4 training program passengers in planes he piloted would be exposed to unreasonable risk
5 of death and harm.
6

7 9. ATCA's negligence, carelessness and recklessness were proximate causes
8 of the deaths of the Germanwings Flight 4U9525 passengers.
9

10 **PARTIES**

11 **Plaintiffs**

12 10. The plaintiffs, individually and as eligible beneficiaries, and as heirs and/or
13 next of kin of passengers who were killed on the subject flight seek damages on account
14 of their relatives' murder and wrongful death.
15

16 11. Manuel Bandres Oto and Elisa Lopez-Belio are the parents of Marina
17 Bandres Lopez-Belio, and are or will be appointed as personal representatives of the
18 Estate of Marina Bandres Lopez-Belio, deceased. They bring this claim individually, as
19 persons who are or will be appointed personal representatives of the Estate of Marina
20 Bandres Lopez-Belio, deceased, and on behalf of all eligible beneficiaries of claims
21 arising from the wrongful death of Marina Bandres Lopez-Belio.
22

23 12. Wilhelm Hubert Banners and Martha Seidle are the parents of decedent
24 Frank Banners, and are or will be appointed as personal representatives of the Estate of
25 Frank Banners, deceased. They bring this claim individually, as persons who are or will
26 be appointed as personal representatives of the Estate of Frank Banners, deceased, and on
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1 behalf of all eligible beneficiaries of claims arising from the wrongful death of Frank
2 Bahnners.

3 13. Bernd Baum and Ingrid Baum are the guardians of minors “Y.M.” and
4 “L.M.,” the sons of decedents Stefan Meyer and Barbara Meyer. Bernd Baum and Ingrid
5 Baum bring this claim on behalf of minors “Y.M.” and “L.M.,” beneficiaries of the claim
6 for the wrongful death of Stefan Meyer and Barbara Meyer.
7

8 14. Bringfried Baum and Ruth Baum are the parents of decedent Barbara
9 Meyer and are or will be appointed as personal representatives of the Estate of Barbara
10 Meyer, deceased. They bring this claim individually, as persons who are or will be
11 appointed personal representatives of the Estate of Barbara Meyer, deceased, and on
12 behalf of all eligible beneficiaries of claims arising from the wrongful death of Barbara
13 Meyer, including but not limited to Bernd Baum.
14

15 15. Wilhelm Bergjürgen and Stefanie Assmann are the parents of decedent
16 minor “L.B.,” and are or will be appointed personal representatives of the Estate of
17 “L.B.,” deceased. They bring this claim individually, as persons who are or will be
18 appointed personal representatives of the Estate of minor “L.B.,” deceased, and on behalf
19 of all eligible beneficiaries of claims arising from the wrongful death of minor “L.B.,”
20 including but not limited to minor “C.B.”
21

22 16. Frank Blendermann and Ulrike Blendermann are the parents of decedent
23 Tim Blendermann, and are or will be appointed as personal representatives of the Estate
24 of Tim Blendermann, deceased. They bring this claim individually, as persons who are
25 or will be appointed personal representatives of the Estate of Tim Blendermann,
26
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1 deceased, and on behalf of all eligible beneficiaries of claims arising from the wrongful
2 death of Tim Blendermann, including but not limited to minors “A.B.” and “C.B.”

3 17. Dr. Martin Bleß and Annette Bleß are the parents of minor decedent “E.B.,”
4 and are or will be appointed as personal representatives of the Estate of minor “E.B.,”
5 deceased. They bring this claim individually, as persons who are or will be appointed
6 personal representatives of the Estate of minor “E.B.,” deceased, and on behalf of all
7 eligible beneficiaries of claims arising from the wrongful death of minor “E.B.”
8
9

10 18. Elsbeth Blumhoff is the mother of decedent Sabine Jockheck. Steffen
11 Walter and Natalie Walter are the children of decedent Sabine Jockheck. They are or will
12 be appointed as personal representatives of the Estate of Sabine Jockheck, deceased.
13 They bring this claim individually, as persons who are or will be appointed personal
14 representatives of the Estate of Sabine Jockheck, deceased, and on behalf of all eligible
15 beneficiaries of claims arising from the wrongful death of Sabine Jockheck, including but
16 not limited to Andrea Heikenfeld.
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19 19. Ana Quenty Bogado Benitez is the surviving spouse of decedent Ralph
20 Schmidt and the mother of minors “G.S.” and “R.S.,” the children of decedent Ralph
21 Schmidt. Gunter Schmidt and Johanna Schmidt are the parents of Ralph Schmidt. Ana
22 Quenty Bogado Benitez, Gunter Schmidt and Johanna Schmidt are or will be appointed
23 as personal representatives of the Estate of Ralph Schmidt, deceased. They bring this
24 claim individually, as persons who are or will be appointed personal representatives of
25 the Estate of Ralph Schmidt, deceased, and on behalf of all eligible beneficiaries of
26 claims arising from the wrongful death of Ralph Schmidt, including but not limited to
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1 Anja Munker.

2 20. Andreas Bourgeois is the son of decedents Dietmar Bourgeois and
3 Roswitha Bourgeois, and is or will be appointed as personal representative of the Estates
4 of Dietmar Bourgeois, deceased, and Roswitha Bourgeois, deceased. He brings this
5 claim individually, as a person who is or will be appointed personal representative of the
6 Estates of Dietmar Bourgeois, deceased, and Roswitha Bourgeois, deceased, and on
7 behalf of all eligible beneficiaries of claims arising from the wrongful death of Dietmar
8 Bourgeois and Roswitha Bourgeois, including but not limited to Rainer Bourgeois.
9

10 21. Carole Anne Bramley and Philip Bramley are the parents of decedent Paul
11 Bramley. Carole Anne Bramley is or will be appointed as personal representative of the
12 Estate of Paul Bramley, deceased. She brings this claim individually, as personal
13 representative of the Estate of Paul Bramley, deceased, and on behalf of all eligible
14 beneficiaries of claims arising from the wrongful death of Paul Bramley. Philip Bramley
15 brings this claim individually and on behalf of all eligible beneficiaries of claims arising
16 from the wrongful death of Paul Bramley.
17

18 22. Oliver Brillert is the surviving spouse of decedent Sonja Cercek. Josef
19 Cercek is the surviving father of decedent Sonja Cercek. They are or will be appointed as
20 personal representatives of the Estate of Sonja Cercek, deceased. They bring this claim
21 individually, as persons who are or will be appointed personal representatives of the
22 Estate of Sonja Cercek, deceased, and on behalf of all eligible beneficiaries of claims
23 arising from the wrongful death of Sonja Cercek.
24

25 23. Olga Bryjak is the surviving spouse of Oleg Bryjak. Dimitri Bryjak and
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1 Vasili Bryjak are the sons of decedent Oleg Bryjak. Olga Bryjak, Dimitri Bryjak and
2 Vasili Bryjak are or will be appointed as personal representatives of the Estate of Oleg
3 Bryjak, deceased. They bring this claim individually, as persons who are or will be
4 appointed personal representatives of the Estate of Oleg Bryjak, deceased, and on behalf
5 of all eligible beneficiaries of claims arising from the wrongful death of Oleg Bryjak.
6

7 24. Emine Celik is the sister of decedent Muradiye Lohmann and is or will be
8 appointed as personal representative of the Estate of Muradiye Lohmann, deceased. She
9 brings this claim, individually, as a person who is or will be appointed personal
10 representative of the Estate of Muradiye Lohmann, and on behalf of all eligible
11 beneficiaries of claims arising from the wrongful death of Muradiye Lohmann, including
12 but not limited to Efe Mukaddes, Atik Hatice, Riza Celik and Dondunur Yilmaz.
13
14

15 25. Machiel Jozef Claassen and Petronella Andrea Van Doorne are the parents
16 of decedent Iris Claassen and are or will be appointed as personal representatives of the
17 Estate of Iris Claassen, deceased. They bring this claim individually, as persons who are
18 or will be appointed personal representatives of the Estate of Iris Claassen, deceased, and
19 on behalf of all eligible beneficiaries of claims arising from the wrongful death of Iris
20 Claassen, including but not limited to Davy Andreas Antonius Claassen.
21
22

23 26. Bernd Drüppel and Anne Drüppel are the parents of minor decedent "L.D."
24 and are or will be appointed as personal representatives of the Estate of minor "L.D.,"
25 deceased. They bring this claim individually, as persons who are or will be appointed
26 personal representatives of the Estate of minor "L.D.," deceased, and on behalf of all
27 eligible beneficiaries of claims arising from the wrongful death of minor "L.D."
28

1 27. Hilmar Eils is the father of minor decedent "S.E." and is or will be
2 appointed as personal representative of the Estate of minor "S.E.," deceased. He brings
3 this claim individually, as a person who is or will be appointed personal representative of
4 the Estate of minor "S.E.," deceased, and on behalf of all eligible beneficiaries of claims
5 arising from the wrongful death of minor "S.E.," including but not limited to Niklas Eils.
6

7 28. Hildegard Fandrich is the mother of decedent Kerstin Oelrich, and she
8 brings this claim individually and on behalf of all eligible beneficiaries of claims arising
9 from the wrongful death of Kerstin Oelrich.
10

11 29. Stefanie Fischenich is the surviving spouse of decedent Sven Fischenich
12 and the mother of minor "M.F.," daughter of decedent Sven Fischenich. Stefanie
13 Fischenich brings this claim individually, on behalf of minor "M.F.," and on behalf of all
14 eligible beneficiaries of claims arising from the wrongful death of Sven Fischenich.
15 Brigitte Fischenich and Jurgen Fischenich are the parents of decedent Sven Fischenich.
16 Stefanie Fischenich, Brigitte Fischenich and Jurgen Fischenich are or will be appointed
17 as personal representatives of the Estate of Sven Fischenich, deceased. They bring this
18 claim individually, as persons who are or will be appointed personal representatives of
19 the Estate of Sven Fischenich, deceased, and on behalf of all eligible beneficiaries of
20 claims arising from the wrongful death of Sven Fischenich, including but not limited to
21 Marc Fischenich.
22

23 30. Tanja Fischer is the guardian of minor "L.F.," half-sister of decedent
24 "F.S.," a minor. Klaus Radner is the grandfather of decedent "F.S.," a minor. Sonja
25 Hedermann is the grandmother of decedent "F.S.," a minor. Tanja Fischer, Klaus Radner
26
27
28

1 and Sonja Hedermann are or will be appointed as personal representatives of the Estate of
2 minor “F.S.,” deceased. They bring this claim individually, as persons who are or will be
3 appointed personal representatives of the Estate of minor “F.S.,” deceased, and on behalf
4 of all eligible beneficiaries of claims arising from the wrongful death of “F.S.”
5

6 31. Mohammed Mehti Hojjatoleslami and Maryam Taherpour are the parents
7 of decedent Milad Hojjatoleslami and are or will be appointed as personal representatives
8 of the Estate of Milad Hojjatoleslami, deceased. They bring this claim individually, as
9 persons who are or will be appointed personal representatives of the Estate of Milad
10 Hojjatoleslami, deceased, and on behalf of all eligible beneficiaries of claims arising from
11 the wrongful death of Milad Hojjatoleslami.
12
13

14 32. Anna Maria Gallego is the mother of minor “A.M.,” daughter of decedent
15 Luis Eduardo Medrano Aragon, and is or will be appointed as the personal representative
16 of the Estate of Luis Eduardo Medrano Aragon, deceased. She brings this claim
17 individually, as natural parent of minor “A.M.,” as a person who is or will be appointed
18 personal representative of the Estate of Luis Eduardo Medrano Aragon, deceased, and on
19 behalf of all eligible beneficiaries of claims arising from the wrongful death of Luis
20 Eduardo Medrano Aragon;
21
22

23 33. Herbert Gerdes and Sabine Wardenga-Gerdes are the parents of decedent
24 Gina Gerdes and are or will be appointed as personal representatives of the Estate of Gina
25 Gerdes, deceased. They bring this claim individually, as persons who are or will be
26 appointed personal representatives of the Estate of Gina Gerdes, deceased, and on behalf
27 of all eligible beneficiaries of claims arising from the wrongful death of Gina Gerdes.
28

1 34. Jürgen Gortmann and Elke Gortmann are the parents of decedent Dennie
2 Gortmann and are or will be appointed as personal representatives of the Estate of Dennie
3 Gortmann, deceased. They bring this claim individually, as persons who are or will be
4 appointed personal representatives of the Estate of Dennie Gortmann, and on behalf of all
5 eligible beneficiaries of claims arising from the wrongful death of Dennie Gortmann,
6 including but not limited to Marvin Gortmann.
7

8 35. Philipp Gottschall is the surviving spouse of decedent Beatrix Gottschall.
9 Vera Gottschall and Carolin Gottschall are the daughters of decedent Beatrix Gottschall.
10 Rudolfa Wübbel is the mother of decedent Beatrix Gottschall. They are or will be
11 appointed as personal representatives of the Estate of Beatrix Gottschall, deceased. They
12 bring this claim individually, as persons who are or will be appointed personal
13 representatives of the Estate of Beatrix Gottschall, deceased, and on behalf of all eligible
14 beneficiaries of claims arising from the wrongful death of Beatrix Gottschall.
15
16

17 36. Peter Hahn and Petra Hahn are the parents of minor decedent “A.H.” and
18 are or will be appointed as personal representatives of the Estate of minor “A.H.,”
19 deceased. They bring this claim individually, as persons who are or will be appointed
20 personal representatives of the Estate of minor “A.H.,” deceased, and on behalf of all
21 eligible beneficiaries of claims arising from the wrongful death of minor “A.H.”
22
23

24 37. Sonja Hedermann is the mother of decedent Sascha Schenk, and is or will
25 be appointed as personal representatives of the Estate of Sascha Schenk, deceased. She
26 bring this claim individually, as persons who are or will be appointed personal
27 representatives of the Estate of Sascha Schenk, deceased, and on behalf of all eligible
28

1 beneficiaries of claims arising from the wrongful death of Sascha Schenk, including
2 minor “L.F.”

3 38. Edgar Hermann and Andrea Hermann are the parents of minor decedent
4 “J.H.” and are or will be appointed as personal representatives of the Estate of minor
5 “J.H.” deceased. They bring this claim individually, as persons who are or will be
6 appointed personal representatives of the Estate of minor “J.H.” deceased, and on behalf
7 of all eligible beneficiaries of claims arising from the wrongful death of minor “J.H.”
8
9

10 39. Harald Höfer and Manuela Höfer are the parents of decedent Christopher
11 Höfer and are or will be appointed as personal representatives of the Estate of
12 Christopher Höfer, deceased. They bring this claim individually, as persons who are or
13 will be appointed personal representatives of the Estate of Christopher Höfer, deceased,
14 and on behalf of all eligible beneficiaries of claims arising from the wrongful death of
15 Christopher Höfer, including but not limited to Anna Höfer.
16
17

18 40. Mohammed Mehti Hojjatoleslami and Maryam Taherpour are the parents
19 of decedent Milad Hojjatoleslami and are or will be appointed as personal representatives
20 of the Estate of Milad Hojjatoleslami, deceased. They bring this claim individually, as
21 persons who are or will be appointed personal representatives of the Estate of Milad
22 Hojjatoleslami, deceased, and on behalf of all eligible beneficiaries of claims arising from
23 the wrongful death of Milad Hojjatoleslami.
24
25

26 41. Wanda Höltekemeyer is the mother of decedent Anke Kohlstädt and is or
27 will be appointed as personal representative of the Estate of Anke Kohlstädt, deceased.
28 She brings this claim individually, as a person who is or will be appointed personal

1 representative of the Estate of Anke Kohlstädt, deceased, and on behalf of all eligible
2 beneficiaries of claims arising from the wrongful death of Anke Kohlstädt, including but
3 not limited to Rolf Höltekemeyer.
4

5 42. Brigitte Hülsmann is the sister of decedent Klaus Hülsmann and is or will
6 be appointed as personal representative of the Estate of Klaus Hülsmann, deceased. She
7 brings this claim individually, as a person who is or will be appointed personal
8 representative of the Estate of Klaus Hülsmann, deceased, and on behalf of all eligible
9 beneficiaries of claims arising from the wrongful death of Klaus Hülsmann, deceased.
10

11 43. Julia Jockheck, Michaela Jockheck and Korinna Walther are the daughters
12 of decedent Manfred Jockheck and are or will be appointed as personal representatives of
13 the Estate of Manfred Jockheck, deceased. They bring this claim individually, as persons
14 who are or will be appointed personal representatives of the Estate of Manfred Jockheck,
15 deceased, and on behalf of all eligible beneficiaries of claims arising from the wrongful
16 death of Manfred Jockheck, including but not limited to Werner Jockheck.
17
18

19 44. Susanne Klüh is the surviving spouse of decedent Stefan Klüh. Annemarie
20 Klüh is the mother of decedent Stefan Klüh. They are or will be appointed as personal
21 representatives of the Estate of Stefan Klüh, deceased. They bring this claim
22 individually, as persons who are or will be appointed personal representatives of the
23 Estate of Stefan Klüh, and on behalf of all eligible beneficiaries of claims arising from
24 the wrongful death of Stefan Klüh.
25
26

27 45. Herbert Koch and Anne Koch are the parents of minor decedent "M.K."
28 and are or will be appointed as personal representatives of the Estate of minor "M.K.",

1 deceased. They bring this claim individually, as persons who are or will be appointed
2 personal representatives of the Estate of minor "M.K.," deceased, and on behalf of all
3 eligible beneficiaries of claims arising from the wrongful death of minor "M.K.,"
4 including but not limited to Maren Koch and Frederike Koch.
5

6 46. Günter Kohlstädt and Ursula Kohlstädt are the parents of decedent Michael
7 Kohlstädt and are or will be appointed as personal representatives of the Estate of
8 Michael Kohlstädt, deceased. They bring this claim individually, as persons who are or
9 will be appointed personal representatives of the Estate of Michael Kohlstädt, deceased,
10 and on behalf of all eligible beneficiaries of claims arising from the wrongful death of
11 Michael Kohlstädt, including but not limited to Ralph Kohlstädt and Gabriele Löchel.
12

13 47. Mark Kevin Kohlstädt and "E.K.," a minor, are the children of decedents
14 Michael Kohlstädt and Anke Kohlstädt. Gabriele Löchel is the guardian of minor "E.K."
15 Mark Kevin Kohlstädt is or will be appointed as personal representative of the Estates of
16 Micheal Kohlstädt, deceased, and Anke Kohlstädt, deceased. Mark Kevin Kohlstädt
17 brings this claim individually, as a person who is or will be appointed personal
18 representative of the Estates of Michael Kohlstädt, deceased, and Anke Kohlstädt,
19 deceased, and on behalf of all eligible beneficiaries of claims arising from the wrongful
20 deaths of Michael Kohlstädt and Anke Kohlstädt. Gabriele Löchel brings this claim on
21 behalf of "E.K.," a minor.
22

23 48. Karl Korolczuk and Danuta Korolczuk are the parents of decedent Maik
24 Korolczuk and are or will be appointed as personal representatives of the Estate of Maik
25 Korolczuk. They bring this claim individually, as persons who are or will be appointed
26
27
28

1 personal representatives of the Estate of Maik Korolczuk, and on behalf of all eligible
2 beneficiaries of claims arising from the wrongful death of Maik Korolczuk, including but
3 not limited to Astrid Korolczuk.
4

5 49. Emil Kraus and Elisabeth Kraus are the parents of decedent Peter Kraus
6 Heinz and are or will be appointed as personal representatives of the Estate of Peter
7 Kraus Heinz, deceased. They bring this claim individually, as persons who are or will be
8 appointed personal representatives of the Estate of Peter Kraus Heinz, deceased, and on
9 behalf of all eligible beneficiaries of claims arising from the wrongful death of Peter
10 Heinz Kraus.
11

12 50. Joachim Lehmann is the father of Diana Lehmann and is or will be
13 appointed as personal representative of the Estate of Diana Lehmann, deceased. He
14 brings this claim individually, as a person who is or will be appointed personal
15 representative of the Estate of Diana Lehmann, deceased, and on behalf of all eligible
16 beneficiaries of claims arising from the wrongful death of Diana Lehmann, including but
17 not limited to Deborah Lehmann and Sarah Brouwer.
18

19 51. Esther Lopez Llopis is the surviving spouse of Dirk Oppenau. Gina
20 Oppenau Lopez and Noel Oppenau Lopez are the children of Dirk Oppenau. Gertrud
21 Gehlen is the mother of Dirk Oppenau. They are or will be appointed as personal
22 representatives of the Estate of Dirk Oppenau, deceased. They bring this claim
23 individually, as persons who are or will be appointed personal representatives of the
24 Estate of Dirk Oppenau, deceased, and on behalf of all eligible beneficiaries of claims
25 arising from the wrongful death of Dirk Oppenau, including but not limited to Hans-
26
27
28

1 Gunther Oppenau.

2 52. Karl Ludwig is the father of decedent Bettina Ludwig and is or will be
3 appointed as personal representative of the Estate of Bettina Ludwig, deceased. He brings
4 this claim individually, as a person who is or will be appointed personal representative of
5 the Estate of Bettina Ludwig, deceased, and on behalf of all eligible beneficiaries of
6 claims arising from the wrongful death of Bettina Ludwig.
7

8 53. Andreas Lütkenhaus and Kirsten Lütkenhaus are the parents of minor
9 decedent "P.L." and are or will be appointed as personal representatives of the Estate of
10 minor "P.L.", deceased. They bring this claim individually, as persons who are or will be
11 appointed personal representatives of the Estate of minor "P.L.," deceased, and on behalf
12 of all eligible beneficiaries of claims arising from the wrongful death of minor "P.L.,"
13 including but not limited to minors "S.L.," "A.L.," "J.L." and "L.L."

14 54. Dominik Marcol is the surviving spouse of decedent Maria de Paplo Nuno.
15 Consuelo de Nuno Carazo is the mother of decedent Maria de Paplo Nuno. They are or
16 will be appointed as personal representatives of the Estate of Maria de Paplo Nuno,
17 deceased. They bring this claim individually, as persons who are or will be appointed
18 personal representatives of the Estate of Maria de Paplo Nuno, deceased, and on behalf of
19 all eligible beneficiaries of claims arising from the wrongful death of Maria de Paplo
20 Nuno, including but not limited to Javier de Paplo Nuno and Belinda de Paplo Nuno.
21

22 55. Sharon Anne Matthews is the surviving spouse of decedent Martyn
23 Matthews and is or will be appointed personal representative of the Estate of Martyn
24 Matthews, deceased. She brings this claim individually, as personal representative of the
25
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27
28

1 Estate of Martyn Matthews, deceased, and on behalf of all eligible beneficiaries of claims
2 arising from the wrongful death of Martyn Matthews. Nathan Luke Matthews is the son
3 of decedent Martyn Matthews. Jade Matthews is the daughter of decedent Maryn
4 Matthews. Iris Matthews is the mother of decedent Martyn Matthews. They bring this
5 claim individually and on behalf of all eligible beneficiaries of claims arising from the
6 wrongful death of Martyn Matthews.
7

8
9 56. Christine Maue is the mother of decedent Claudia Diemer. Beate Maue is
10 the sister of decedent Claudia Diemer. They are or will be appointed as personal
11 representatives of the Estates of Jürgen Diemer, deceased, and Claudia Diemer, deceased.
12 They bring this claim individually, as persons who are or will be personal representative
13 of the Estate of Jürgen Diemer, deceased, and Claudia Diemer, deceased, and on behalf
14 of all eligible beneficiaries of claims arising from the wrongful deaths of Claudia Diemer
15 and Jürgen Diemer, including but not limited to Angelika Rathofer and Marlies Ball.
16

17
18 57. Heide Meurer and Bernd Koch are the parents of decedent Lutz Koch and
19 are or will be appointed as personal representatives of the Estate of Lutz Koch, deceased.
20 They bring this claim individually, as persons who are or will be appointed personal
21 representatives of the Estate of Lutz Koch, deceased, and on behalf of all eligible
22 beneficiaries of claims arising from the wrongful death of Lutz Koch.
23

24 58. Udo Meyer and Ruth Meyer are the parents of decedent Stefan Meyer and
25 are or will be appointed as personal representatives of the Estate of Stefan Meyer,
26 deceased. They bring this claim individually, as persons who are or will be appointed
27 personal representatives of the Estate of Stefan Meyer, deceased, and on behalf of all
28

1 eligible beneficiaries of claims arising from the wrongful death of Stefan Meyer,
2 including but not limited to Frank Meyer and Jessica Meyer.

3 59. Frank Noack and Jana Noack are the parents of decedent Juliane Noack and
4 are or will be appointed as personal representatives of the Estate of Juliane Noack,
5 deceased. They bring this claim individually, as persons who are or will be appointed
6 personal representatives of the Estate of Juliane Noack, deceased, and on behalf of all
7 eligible beneficiaries of claims arising from the wrongful death of Juliane Noack.
8

9
10 60. Carolin Oelrich and Chistiane Oelrich are the daughters of decedents
11 Andreas Oelrich and Kerstin Oelrich and are or will be appointed as personal
12 representatives of the Estates of Andreas Oelrich, deceased, and Kerstin Oelrich,
13 deceased. They bring this claim individually, as persons who are or will be appointed
14 personal representatives of the Estates of Andreas Oelrich, deceased, and Kerstin Oelrich,
15 deceased, and on behalf of all eligible beneficiaries of claims arising from the wrongful
16 deaths of Andreas Oelrich and Kerstin Oelrich, including but not limited to Claudia
17 Rautenberg and Wolfgang Oelrich.
18

19
20 61. Hilde Oelrich is the mother of decedent Andreas Oelrich, and she brings
21 this claim individually and on behalf of all eligible beneficiaries of claims arising from
22 the wrongful death of Andreas Oelrich.
23

24 62. Günter Olthoff and Heidi Olthoff are the parents of decedent Geert Olthoff
25 and are or will be appointed as personal representatives of the Estate of Geert Olthoff,
26 deceased. They bring this claim individually, as persons who are or will be appointed
27 personal representatives of the Estate of Geert Olthoff, deceased, and on behalf of all
28

1 eligible beneficiaries of claims arising from the wrongful death of Geert Olthoff,
2 including but not limited to Frank Olthoff.

3 63. Pawel Pracz is the surviving spouse of decedent Marina Bandres Lopez-
4 Belio and the father of minor decedent "J.P." He is or will be appointed personal
5 representative of the Estates of Marina Bandres Lopez-Belio, deceased, and minor "J.P.,"
6 deceased. He brings this claim individually, as a person who is or will be appointed
7 personal representative of the Estates of Marina Bandres Lopez-Belio, deceased, and
8 minor "J.P.," deceased, and on behalf of all eligible beneficiaries of claims arising from
9 the wrongful death of Marina Bandres Lopez-Belio and minor "J.P."

10 64. Herman Püntmann and Annemarie Püntmann are the parents of decedent
11 Ann-Kathrin Püntmann and are or will be appointed as personal representatives of the
12 Estate of Ann-Kathrin Püntmann, deceased. They bring this claim individually, as
13 persons who are or will be appointed personal representatives of the Estate of Ann-
14 Kathrin Püntmann, deceased, and on behalf of all eligible beneficiaries of claims arising
15 from the wrongful death of Ann-Kathrin Püntmann, including but not limited to Kai
16 Püntmann, Jana Püntmann and Carina Püntmann.

17 65. Klaus Radner is the father of decedent Maria Radner and is or will be
18 appointed as personal representative of the Estate of Maria Radner, deceased. He brings
19 this claim individually, as a person who is or will be appointed personal representative of
20 the Estate of Maria Radner, deceased, and on behalf of all eligible beneficiaries of the
21 claims for the wrongful death of Maria Radner, including but not limited to Anna Radner
22 and Bozidar Radner.

1 66. Gladys Razo and Saturnino Ajón Tirado are the parents of decedent Daniela
2 Ajón Razo and are or will be appointed as personal representatives of the Estate of
3 Daniela Ajón Razo, deceased. They bring this claim individually, as persons who are or
4 will be appointed personal representatives of the Estate of Daniela Ajón Razo, deceased,
5 and on behalf of all eligible beneficiaries of claims arising from the wrongful death of
6 Daniela Ajón Razo.
7

8 67. Dirk Rogge and Anne Rogge are the parents of minor decedent “F.R.” and
9 are or will be appointed as personal representatives of the Estate of minor “F.R.,”
10 deceased. They bring this claim individually, as persons who are or will be appointed
11 personal representatives of the Estate of minor “F.R.,” deceased, and on behalf of all
12 eligible beneficiaries of claims arising from the wrongful death of minor “F.R.”
13
14

15 68. Mayuko Sato is the surviving spouse of decedent Junichi Sato and the
16 mother of minors “R.S.” and “N.S.,” the children of decedent Junichi Sato. Mayuko Sato
17 is or will be appointed personal representative of the Estate of Junichi Sato, deceased.
18 Mayuko Sato brings this claim individually, on behalf of minors “R.S.” and “N.S.,” as a
19 person who is or will be appointed personal representative of the Estate of Junichi Sato,
20 deceased and on behalf of all eligible beneficiaries of claims arising from the wrongful
21 death of Junichi Sato.
22
23

24 69. Wilhelm Scheideler and Kerstin Stürzebecher are the parents of minor
25 decedent “R.S.” and are or will be appointed as personal representatives of the Estate of
26 minor “R.S.,” deceased. They bring this claim individually, as persons who are or will be
27 appointed personal representatives of the Estate of minor “R.S.,” deceased, and on behalf
28

1 of all eligible beneficiaries of claims arising from the wrongful death of minor “R.S.”

2 70. Helmut Erwin Schenk is the father of decedent Stefanie Schenk and is or
3 will be appointed as personal representative of the Estate of Stefanie Schenk, deceased.
4 He brings this claim individually, as a person who is or will be appointed personal
5 representative of the Estate of Stefanie Schenk, deceased, and on behalf of all eligible
6 beneficiaries of claims arising from the wrongful death of Stefanie Schenk, including but
7 not limited to Andreas Schenk.
8
9

10 71. Ferdinand Schmitz is the uncle of decedent Jessica Hülsmann. Sabine
11 Röhlinger is the aunt of Jessica Hülsmann. Brigitte Hülsmann is the aunt of Jessica
12 Hülsmann. They are or will be appointed as personal representative of the Estate of
13 Jessica Hülsmann, deceased. They bring this claim individually, as persons who are or
14 will be personal representatives of the estate of Jessica Hülsmann, deceased, and on
15 behalf of all eligible beneficiaries of claims arising from the wrongful death of Jessica
16 Hülsmann, including but not limited to Thorsten Peters.
17
18

19 72. Ludwig Schonebeck and Ulrike Schonebeck are the parents of decedent
20 Erik Schonebeck and are or will be appointed as personal representatives of the Estate of
21 Erik Schonebeck, deceased. They bring this claim individually, as persons who are or
22 will be appointed personal representatives of the Estate of Erik Schonebeck, deceased,
23 and on behalf of all eligible beneficiaries of claims arising from the wrongful death of
24 Erik Schonebeck.
25
26

27 73. Dietrich Schützler is the surviving spouse of decedent Karin Schützler.
28 Franziska Kusserow is the daughter of decedent Karin Schützler. Matthias Schützler is

1 the son of decedent Karin Schützler. They are or will be appointed as personal
2 representative of the Estate of Karin Schützler, deceased. They bring this claim
3 individually, as persons who are or will be appointed personal representatives of the
4 Estate of Karin Schützler, deceased, and on behalf of all eligible beneficiaries of claims
5 arising from the wrongful death of Karin Schützler.
6

7 74. Rolf Schukart and Petra Schukart are the parents of minor decedent “L.S.”
8 and are or will be appointed as personal representatives of Estate of minor “L.S.”
9 deceased. They bring this claim individually, as persons who are or will be personal
10 representatives of Estate of minor “L.S.” deceased, and on behalf of all eligible
11 beneficiaries of claims arising from the wrongful death of minor “L.S.” including but not
12 limited to Pia Schukart.
13
14

15 75. Thomas Siebe and Marion Siebe are the parents of minor decedent “H.S.”
16 and are or will be appointed as personal representatives of the Estate of minor “H.S.”
17 deceased. They bring this claim individually, as persons who are or will be appointed
18 personal representatives of the Estate of minor “H.S.” deceased, and on behalf of all
19 eligible beneficiaries of claims arising from the wrongful death of minor “H.S.”
20 including but not limited to minor “F.S.”
21
22

23 76. Danny Smailagić is the son of decedents Emira Smailagić and Fehret
24 Smailagić and is or will be appointed personal representative of the Estates of Emira
25 Smailagić, deceased, and Fehret Smailagić, deceased. He brings this claim individually,
26 as a person who is or will be appointed personal representative of the Estates of Emira
27 Smailagić, deceased, and Fehret Smailagić, deceased, and on behalf of all eligible
28

1 beneficiaries of claims arising from the wrongful death of Emira Smailagić and Fehret
2 Smailagić, including but not limited to Dulistana Habibovic and Renata Walter.

3 77. Michael Soblik and Gila Soblik are the parents of Larissa Soblik and are or
4 will be appointed as personal representatives of the Estate of Larissa Soblik, deceased.
5 They bring this claim individually, as persons who are or will be appointed personal
6 representatives of the Estate of Larissa Soblik, deceased, and on behalf of all eligible
7 beneficiaries of claims arising from the wrongful death of Larissa Soblik, including but
8 not limited to Leonie Hering.
9

10 78. Andreas Stahl and Cornelia Stahl are the parents of decedent Sebastian
11 Stahl and are or will be appointed as personal representatives of the Estate of Sebastian
12 Stahl, deceased. They bring this claim individually, as persons who are or will be
13 appointed personal representatives of the Estate of Sebastian Stahl, deceased, and on
14 behalf of all eligible beneficiaries of claims arising from the wrongful death of Sebastian
15 Stahl, including but not limited to Maximilian Stahl.
16

17 79. Jürgen Strang and Dagmar Strang are the parents of minor decedent “S.S.”
18 and are or will be appointed personal representatives of the Estate of minor “S.S.,”
19 deceased. They bring this claim individually, as persons who are or will be appointed
20 personal representative of the Estate of minor “S.S.,” deceased, and on behalf of all
21 eligible beneficiaries of claims arising from the wrongful death of minor “S.S.”
22

23 80. Carlos Andres Suarez Acosta is the surviving spouse of decedent Maria del
24 Pilar Tejada Ocampo. Marleny Concepcion Ocampo Molano and Luis Eduardo Tejada
25 Arellano are the parents of decedent Maria del Pilar Tejada Ocampo. They are or will be
26
27
28

1 appointed as personal representatives of the Estate of Maria del Pilar Tejada Ocampo,
2 deceased. They bring this claim individually, as persons who are or will be appointed
3 personal representatives of the Estate of Maria del Pilar Tejada Ocampo, deceased, and
4 on behalf of all eligible beneficiaries of claims arising from the wrongful death of Maria
5 del Pilar Tejada Ocampo, including but not limited to Luis Andres Tejada Ocampo and
6 Juan Pablo Tejada Ocampo.
7

8
9 81. Hassan Tahrioui and Fadila El Boujjoufi are the parents of decedent
10 Mohamed Tahrioui and are or will be appointed as personal representative of the Estate
11 of Mohamed Tahrioui, deceased. They bring this claim individually, as persons who are
12 or will be appointed personal representative of the Estate of Mohamed Tahrioui,
13 deceased, and on behalf of all eligible beneficiaries of claims arising from the wrongful
14 death of Mohamed Tahrioui, including but not limited to Lina Tahrioui.
15

16 82. Engelbert Tegethoff and Brigitte Tegethoff are the parents of decedent
17 Stefanie Tegethoff and are or will be appointed personal representative of the Estate of
18 Stefanie Tegethoff, deceased. They bring this claim individually, as persons who are or
19 will be appointed personal representatives of the Estate of Stefanie Tegethoff, deceased,
20 and on behalf of all eligible beneficiaries of claims arising from the wrongful death of
21 Stefanie Tegethoff.
22

23
24 83. Hans-Wolfgang Treppe and Eva-Marie Treppe are the parents of decedent
25 Thomas Treppe and are or will be appointed as personal representatives of the Estate of
26 Thomas Treppe, deceased. They bring this claim individually, as persons who are or will
27 be appointed personal representatives of the Estate of Thomas Treppe, deceased, and on
28

1 behalf of all eligible beneficiaries of claims arising from the wrongful death of Thomas
2 Treppe, including but not limited to Carsten Treppe.

3 84. Peter Venhoff and Anke Venhoff are the parents of minor decedent “A.V.”
4 and are or will be appointed as personal representatives of the Estate of minor “A.V.,”
5 deceased. They bring this claim individually, as persons who are or will be appointed
6 personal representatives of the Estate of minor “A.V.,” deceased, and on behalf of all
7 eligible beneficiaries of claims arising from the wrongful death of minor “A.V.,”
8 including but not limited to Janik Venhoff and minor “L.V.”
9

10 85. Wolfgang Voß and Brigitte Voß are the parents of decedent Jens Voß and
11 are or will be appointed as personal representatives of the Estate of Jens Voß, deceased.
12 They bring this claim individually, as persons who are or will be appointed personal
13 representatives of the Estate of Jens Voß, deceased, and on behalf of all eligible
14 beneficiaries of claims arising from the wrongful death of Jens Voß.
15

16 86. Günter Welters and Margarete Sadlo are the parents of decedent Kristina
17 Sadlo and are or will be appointed as personal representatives of the Estate of Kristina
18 Sadlo, deceased. They bring this claim individually, as persons who are or will be
19 appointed personal representatives of the Estate of Kristina Sadlo, deceased, and on
20 behalf of all eligible beneficiaries of claims arising from the wrongful death of Kristina
21 Sadlo, including but not limited to Alexandra Pabst.
22

23 87. Ludger Westermann and Silke Westermann are the parents of minor
24 decedent “C.W.” and are or will be appointed as personal representatives of the Estate of
25 minor “C.W.,” deceased. They bring this claim individually, as persons who are or will
26
27
28

1 be appointed personal representatives of the Estate of minor “C.W.,” deceased, and on
2 behalf of all eligible beneficiaries of claims arising from the wrongful death of minor
3 “C.W.”
4

5 **Defendant Airline Training Center Arizona, Inc.**

6 88. Airline Training Center Arizona, Inc. (hereinafter “ATCA”) is a
7 corporation organized in Arizona and has its principal place of business at the Phoenix-
8 Goodyear Airport in Goodyear, Arizona.
9

10 **BACKGROUND AND GENERAL ALLEGATIONS**

11 89. At all relevant times herein, ATCA was and is a wholly-owned subsidiary
12 of Lufthansa Flight Training GmbH (hereinafter “LFT”).
13

14 90. At all relevant times herein, LFT was and is a wholly-owned subsidiary of
15 Deutsche Lufthansa AG (hereinafter “Lufthansa”), also known as Lufthansa Airlines.
16

17 91. Lufthansa owns and operates Germanwings, a low cost airline (rebranded
18 since the crash as Eurowings).
19

20 92. ATCA was organized in 1992 by LFT as a for-profit commercial airline
21 pilot training center and flight school in the United States charged with, among other
22 things, providing support to Lufthansa’s airline pilot flight training program and student
23 pilot development activities.
24

25 93. At all relevant times herein, ATCA advertises its commercial airline
26 training services and that it provides those services to several commercial airline
27 operators, including Lufthansa Airlines, one of the world's leading carriers.
28

94. According to ATCA’s website, ATCA is training “all Lufthansa pilots” to

1 become commercial airline pilots “for 40+ years.”

2 95. At all relevant times herein, ATCA holds itself out as a “Lufthansa
3 Company” and one of “the best” flight schools in the world and claims on its website that
4 ATCA is a “world class pilot training facility” with “students from all over the globe”
5 specializing in training foreign pilot candidates to become commercial airline pilots.
6

7 96. At all relevant times herein, the primary, if not exclusive, purpose of ATCA
8 is to select and train “only the most qualified” candidates to “fly with the best” and
9 become commercial airline pilots.
10

11 97. Lufthansa’s and LFT’s airline pilot training program were feeders to ATCA
12 and all student pilot candidates who participate in the program begin their aircraft flight
13 training at ATCA.
14

15 98. Since its founding in 1992, ATCA knew that nearly all (98% according to
16 ATCA statistics) of the student pilot candidates who were accepted and completed
17 ATCA’s flight training program would become commercial airline pilots, and would
18 become part of the pool from which Lufthansa and Germanwings airline pilots would be
19 selected for passenger-carrying commercial flights.
20

21 99. At all relevant times herein, ATCA knew that nearly all of its student pilots
22 would become commercial airline pilots charged with the responsibility to safely
23 transport passengers to destinations around the globe in modern aircraft with
24 sophisticated, complex and advanced systems under stressful and demanding
25 circumstances.
26
27

28 100. ATCA’s President and CEO, Captain Matthias Kippenberg, addressing the

1 “NTSB Safety Forum on Professionalism in Aviation” (May 18-20, 2010) on behalf of
2 ATCA, affirmed ATCA’s obligation as an commercial airline training center and flight
3 school to adhere to “the highest safety standards” and “stringent [student and pilot]”
4 selection criteria saying: “The highest level of safety standards and professionalism in
5 airline pilot training can be achieved by a stringent selection to retain students with
6 defined aptitudes and personality as a solid basis for comprehensive and ambitious Ab
7 Initio Pilot Training.”
8

9
10 101. At all relevant times herein, as articulated by CEO and President
11 Kippenberg, ATCA has acknowledged its duty to carefully select and screen its student
12 pilot candidates to ensure they have the requisite intelligence, disposition, temperament,
13 psyche and mental fitness to become reliable and safe commercial airline pilots
14 responsible for safely transporting passengers on commercial flights.
15

16 102. ATCA had a duty to the flying public and to the passengers of the subject
17 flight, to use reasonable care only to admit potential candidates into its airline flight
18 training program who could meet the exacting standards of a commercial airline pilot and
19 ATCA knew that an unqualified pilot posed a grave risk to the safety of the passengers.
20

21 103. At all relevant times herein, CEO and President Kippenberg stressed the
22 need for ATCA to evaluate a student’s “technical” and “interpersonal” competence at the
23 earliest possible stage of their airline pilot flight training program.
24

25 104. At all relevant times herein, as emphasized by CEO and President
26 Kippenberg, ATCA has acknowledged its duty to monitor its student pilot candidates
27 during training to ensure they have the requisite personality and mental fitness to
28

1 effectively communicate, work with others, handle and manage stressful situations and
2 make correct decisions as airline pilots in order to safely transport passengers on
3 commercial flights.

4
5 105. According to ATCA's standard operating procedures, and consistent with
6 its acknowledged duty to have a "stringent" pilot trainee selection process and policy, all
7 Lufthansa student pilots who applied to the ATCA airline training center in Arizona are
8 required to obtain and present to ATCA a German Airman's Medical Certificate and a
9 U.S. FAA Airmen's Medical Certificate as a condition of acceptance into its program and
10 before commencement of flight training.
11

12
13 106. At all relevant times herein, when selecting and screening potential student
14 pilot candidates, ATCA had a duty to examine its students' medical certificates and to
15 make certain that no applicant was accepted into its airline pilot training program who
16 had a history of a mental or physical disability, displayed a lack of technical competence,
17 or presented any other risk by reason of a mental or physical condition that would
18 disqualify the candidate from performing the duties of a commercial airline pilot.
19

20
21 107. Upon information and belief, a purpose of obtaining two medical
22 certificates was to ensure that no student pilot candidate would be accepted into the
23 ATCA flight training program or be allowed to proceed to become a pilot of commercial
24 aircraft if he had a disqualifying medical history or current mental or physical condition
25 that would make him or her unsuited to be a commercial airline pilot and to preclude the
26 risk that he or she would not properly, safely and reliably act in the capacity of pilot or
27 co-pilot and cause harm to the passengers.
28

1 108. A further purpose of ATCA's two-medical-certificate requirement is to
2 alert its employees charged with selecting, training and supervising the medical
3 certificate holder of any limitations or restrictions, and, if there are limitations or
4 restrictions, ascertain whether the limitations or restrictions pose a risk that the applicant
5 may not be suited to become a safe commercial airline pilot.
6

7 109. Limitations or restrictions on an applicant's medical certificate require
8 ATCA to exercise increased vigilance, monitoring, or supervision of the certificate
9 holder.
10

11 110. A person with a history of reactive depression, suicidal ideations or
12 attempted suicide is not qualified to be a pilot of a commercial airline.
13

14 **ANDREAS LUBITZ AND ATCA**

15 111. On or before April, 2008, Lubitz began the process of becoming a
16 commercial airline pilot for Lufthansa/Germanwings.
17

18 112. On or before June 2010, Lubitz began the process of applying for
19 admission to ATCA's airline flight training program in Arizona.
20

21 113. Upon information and belief, in order to comply with ATCA's mandatory
22 requirement that he obtain and present both a German and FAA medical certificate as
23 part of his application to ATCA's airline flight training program, Lubitz filed an
24 application (dated June 14, 2010) with the FAA for a Third Class medical certificate.
25

26 114. Upon information and belief, on or before November, 2010, Lubitz
27 presented both his German and FAA medical certificates to ATCA.
28

 115. Lubitz's German medical certificate had a special notation/restriction

1 printed on the certificate itself, to wit “FRA 091/09 – REV”.

2 116. The notation was printed on the German medical certificate to indicate that
3 his medical certificate would become invalid if there was a relapse or recurrence of his
4 depression.
5

6 117. Lubitz’s FAA medical certificate did not have a notation printed on the
7 certificate itself, but it was issued with a warning relating to his history of “reactive
8 depression,” which “prohibited operation of an aircraft any time new symptoms or
9 adverse changes occur or at any time medication and/or treatment is required.”
10

11 118. The World Health Organization defines depression as a “mental disorder
12 [which] can be long lasting or recurrent, substantially impairing a person’s ability to
13 function at work or school, or cope with daily life, at its most severe, depression can lead
14 to suicide.”
15

16 119. In light of the special notation or “red flag” on Lubitz’s German medical
17 certificate, ATCA had a duty to determine the nature of the restrictions, conditions,
18 limitations and warnings that applied to both of Lubitz’s medical certificates and whether
19 Lubitz’s medical history was evidence of a lack of mental fitness and a risk of a
20 recurrence of his mental disorders such that he should not be accepted into the airline
21 flight training program.
22

23 120. On or before November 8, 2010, Lubitz was accepted into and began his
24 ATCA pilot training in Arizona, completing the training on March 2, 2011.
25

26
27 **ATCA NEGLIGENCE**

28 121. Plaintiffs repeat and reallege each and every allegation heretofore set forth

1 in this Complaint.

2 122. ATCA knew, should have known, or could have determined that Lubitz, at
3 the time he presented himself for admission to ATCA, had an extensively documented
4 history of dangerous and debilitating psychotic and depressive conditions, including
5 reactive depression, that his treatment for those disorders included doctor-prescribed
6 medication that prevented Lubitz from pilot training, and that the disorders were
7 “resurgent” and “recurrent.”
8
9

10 123. Further, ATCA knew or should have known that Lubitz intentionally and
11 unlawfully denied and lied about his history of mental disorders.

12 124. ATCA was negligent, reckless and careless in admitting Lubitz to its flight
13 school by reason of the fact that it failed to exercise the “stringent” screening standard it
14 acknowledged constitutes the standard of care for admission to its program.
15

16 125. ATCA was negligent, reckless and careless and breached its duty of care to
17 all the people who were passengers on the Lubitz-piloted Germanwings Flight 9525 in
18 failing to recognize and investigate the reasons for German Class 1 Medical Certificate
19 “FRA 091/09 – REV” restriction and the anomaly of the FAA’s July 2010 issuance of a
20 Third Class medical certificate.
21
22

23 126. At a minimum, the FRA 091/09 – REV restriction was a red flag which put
24 ATCA on notice that Lubitz was a problematic flight training candidate and one who
25 required heightened, continuous and vigilant scrutiny of his mental health and suitability
26 to become a commercial airline pilot.
27

28 127. The REV restriction made it imperative that ATCA inquire further into

1 Lubitz's history of medical treatment to determine whether or not the restriction was
2 evidence of a risk to the flying public which warranted rejection of Lubitz's request for
3 admission to the ATCA pilot training program.
4

5 128. The crash of the subject flight and the resulting deaths of all of plaintiffs'
6 passenger decedents on whose account this wrongful death action is brought were
7 proximately caused by the negligent acts and omissions of defendant ATCA, by and
8 through its officers, agents, employees and representatives, in that defendant ATCA
9 breached its duties and failed to use appropriate and reasonable care under the
10 circumstances in selecting, screening, admitting and training a student pilot candidate
11 (Lubitz) to become a commercial airline pilot when ATCA knew or should have know
12 that he had a history of recurrent mental disorders (including reactive depression with
13 suicidal ideations), which he knowingly concealed in order to avoid disqualification from
14 ATCA's airline pilot flight training in the US.
15
16
17

18 129. Specifically and furthermore, ATCA was negligent, careless, or reckless
19 and breached its duty of care in one or more of the following ways:

20 a. ATCA failed to use reasonable care in selecting, screening and
21 admitting student pilot candidate Lubitz for its airline flight training
22 program and failed to otherwise ensure that Lubitz had the requisite
23 mental fitness to become a reliable and safe commercial airline pilot
24 and that he did not pose a risk to the safe transport of passengers on
25 commercial flights.
26
27

28 b. ATCA failed to use reasonable care in following its own "stringent"

1 standard of care with respect to the selection and screening of pilot
2 candidate Lubitz for its airline pilot training program.

3 c. ATCA failed to use reasonable care to determine whether Lubitz's
4 medical history of a severe mental disorder, including suicidal
5 ideation, indicated a continuing lack of mental fitness and presented
6 a risk of a recurrence or relapse which made him unqualified to be a
7 commercial airline pilot.
8

9
10 d. ATCA failed to recognize that the limitations, special conditions,
11 restrictions or warnings on Lubitz's medical certificates evidenced
12 psychological and mental disorders that posed a risk to passengers
13 and flight safety such that he should have been deemed unqualified
14 to be a commercial airline pilot.
15

16 e. ATCA failed to examine Lubitz's medical history, application and
17 background and was thus unable to fulfill its obligation to exercise
18 reasonable care to determine whether Lubitz had the requisite good
19 character, honesty, trustworthiness, skills, personality and aptitude
20 necessary to be a safe and reliable commercial airline pilot and to
21 determine whether he had any mental and/or physical condition
22 which warranted rejection of his application to ATCA's airline flight
23 training program.
24

25
26 f. ATCA failed to determine when Lubitz's anti-depressant
27 medications were discontinued and failed to confirm that there
28

1 would be no recurrence of Lubitz's severe mental disorder if his
2 medication regime was discontinued.

3 g. ATCA failed to obtain and review Lubitz's medical records.

4
5 h. ATCA failed to carefully monitor Lubitz during training to ensure he
6 had the mental fitness to effectively handle and manage the
7 inevitable stressful situations an airline pilot would face while
8 transporting passengers on commercial flights.

9
10 i. ATCA failed to monitor Lubitz to ensure that he did not exhibit
11 symptoms which would violate the special conditions, restrictions or
12 limitations on his medical certificates.

13
14 j. Upon Information and belief, ATCA flight instructors failed to
15 properly monitor Lubitz to insure that he did not suffer or exhibit
16 signs or symptoms of any psychological abnormality or personality
17 disorder that disqualified him from graduating from its airline flight
18 training program, obtaining a pilot license, or piloting a Lufthansa or
19 other commercial airplane with passengers.

20
21 k. ATCA failed to discover that pilot candidate Lubitz made false
22 statements to the FAA by denying and concealing his severe mental
23 disorder on his FAA medical application in violation of federal
24 regulations.

25
26
27 l. Upon information and belief, ATCA failed to properly monitor and
28 observe Lubitz's behavior, demeanor and temperament while Lubitz

1 was at its Arizona training facility and failed to recognize symptoms
2 and personality traits that disqualified him from becoming a
3 commercial airline pilot.
4

- 5 m. Upon information and belief, during Lubitz's flight training at ATCA
6 he exhibited signs and symptoms of psychological abnormalities,
7 reactive depression and personality disorders and ATCA failed to
8 disqualify him from obtaining a pilot license and from continuing his
9 training to become a commercial airline pilot.
10

11 130. Had ATCA exercised due care under the circumstances and conducted a
12 reasonably diligent inquiry into Lubitz's medical and mental health history, ATCA would
13 have discovered that:
14

- 15 a. Less than two years before seeking admission to ATCA airline flight
16 training program, Lubitz suffered psychotic and severe depressive
17 episodes, that were triggered by the stress associated with his basic
18 aviation academic coursework, academic workload and being away
19 from home.
20
21 b. Lubitz suspended his academic course work because of his severe
22 depressive disorder for nearly 10 months.
23
24 c. During the period of his "suspension" due to his severe depression,
25 Lubitz was hospitalized and underwent nine months of extensive and
26 intensive psychotherapy for severe depressive episodes, anxiety and
27 suicidal ideations. Lubitz's treatment included the use of multiple
28

1 anti-depressant medications that previously disqualified him for
2 flight training and, if taken again, would disqualify him for future
3 flight training and piloting commercial aircraft.
4

5 d. On April 9, 2009, Lubitz was unable to obtain revalidation of his
6 medical certificate because he was still being treated with pilot-
7 prohibiting medications for his debilitating depressive episodes.
8

9 e. On July 14, 2009, Lubitz's second application for revalidation of his
10 Class 1 German medical certificate was denied because of his severe
11 depressive disorder.
12

13 f. On July 28, 2009, Lubitz was issued a "special" Class 1 medical
14 certificate, which included a rare restriction on the certificate
15 (flagged as "FRA 091/09 – REV") stating it would become invalid if
16 he had a relapse or recurrence of depression.
17

18 g. Lubitz was never determined by medical professionals to be entirely
19 cured of his mental health illnesses but, at best, was deemed to be in
20 remission.
21

22 h. On June 14, 2010, Lubitz knowingly concealed his true medical
23 history, past medical diagnoses and lengthy treatment, including
24 hospitalization, for multiple psychotic and mental disorders when he
25 falsely certified on his FAA medical application that he had never
26 "in [his] life been diagnosed with, had, or . . . presently ha[d]...
27 'mental disorders of any sort, depression, anxiety, etc.'"
28

- i. Lubitz violated 14 C.F.R. §61.59(a)(1) and 61.59(b) by reason of the fact that he knowingly and intentionally made false statements on his June 14, 2010, FAA application for a medical certificate, denying any history of “mental disorders,” thus demonstrating a lack of trustworthiness, dishonesty and a willingness to violate rules in order to conceal his recurrent mental health conditions.
- j. On June 18, 2010, a doctor, not Lubitz, corrected the false statement about Lubitz’s mental disorder. The corrected application highlighted that Lubitz suffered from “reactive depression caused by a decompensation subsequent to excessive demands.”
- k. On July 8, 2010, the FAA deferred granting Lubitz a Third Class medical certificate “Due to [his] history of reactive depression ...” and requested a detailed status report from his current presiding physicians.
- l. The two opinion letters issued by Lubitz’s treating doctor which were submitted to the FAA in support of Lubitz’s application for a medical certificate were internally inconsistent and inadequate.
- m. On July 28, 2010 the FAA medical certificate was issued with an accompanying warning that because of his history of reactive depression operation of an aircraft was prohibited if at any time new symptoms or adverse changes occur or at any time medication and/or treatment is required.

1 n. The FAA warning issued with Lubitz's medical certificate
2 recognized the potential for Lubitz to have recurrent depressive
3 episodes.
4

5 131. Upon information and belief, no one in the employ of ATCA, nor any
6 designee or agent of ATCA, ever determined what the "special condition(s)/restrictions"
7 were that prompted placing the "FRA 091/09-REV" designation on Lubitz's German
8 medical certificate.
9

10 132. Upon information and belief, no one in the employ of ATCA, nor any
11 designee or agent of ATCA, ever sought to determine whether Lubitz's FAA Third Class
12 medical certificate was issued with a warning or restrictions and what those restrictions
13 or warnings were.
14

15 133. Upon information and belief, ATCA failed to recognize the significance of
16 the fact that Lubitz's German certificate was, on its face, flagged with a warning and the
17 FAA certificate, on its face, was not.
18

19 134. Upon information and belief, at no time did anyone in the employ of ATCA
20 nor any designee or agent of ATCA ever make any inquiry of Lubitz or anyone else to
21 determine the status of Lubitz' mental health, his history of depression, his depression
22 medication history and/or whether he was taking physician-prescribed or over-the-
23 counter medication for depression, anxiety or any other purpose.
24

25 135. Upon information and belief, based upon Lubitz's history of mental
26 disorders ATCA should not have accepted him and, as the head of Lufthansa's
27 department of aviation psychology at the time of Lubitz's hiring at Germanwings said:
28

1 “If [I] had known about [Lubitz’s] medical problems with depression before starting his
2 flying career *and during his primary training*, [I] probably would not have accepted
3 him.” (*The New York Times*, April 15, 2015) (Emphasis added).

4
5 136. Despite the numerous red flags and risks raised by Lubitz’s application,
6 ATCA nevertheless breached its duty by admitting him into its airline flight training
7 program and set him on the direct path to being a Lufthansa or Germanwings pilot.

8
9 137. At the time Lubitz sought admission to ATCA, ATCA was in the best
10 position to stop Lubitz from becoming a commercial airline pilot.

11 138. At the very least, ATCA had constructive notice of Lubitz’s recurring and
12 debilitating psychosis, depression and suicidal ideations, and was in the best position to
13 monitor, scrutinize and evaluate Lubitz’s mental health and determine whether he was
14 mentally unfit to continue airline flight training at ATCA.

15
16 139. ATCA was therefore negligent, reckless and careless in failing to properly
17 monitor Lubitz to ensure that his latent psychotic, depressive and suicidal conditions did
18 not recur and that he was not taking medication for these conditions.

19
20 140. The foregoing failures were proximate, contributing and foreseeable causes
21 of the deaths of the Germanwings Flight 9525 passengers because had ATCA not been
22 negligent and careless and, indeed, exercised reasonable care in screening and monitoring
23 Lubitz, he would not have been admitted to the ATCA program and would not have
24 become a commercial pilot with recurring psychotic, depressive and suicidal disorders.

25
26 141. ATCA by its negligence, carelessness and recklessness enabled Lubitz to
27 act out his suicidal mission and commit the tragic and devastating murder of all
28

1 passengers on board Flight 9525.

2 **COMPENSATORY DAMAGES**

3 142. Plaintiffs repeat and reallege each and every allegation heretofore set forth
4 in this Complaint.
5

6 143. For the foregoing reasons each plaintiff is entitled to recover such damages
7 from ATCA on account of the wrongful death of their relative as will constitute full and
8 fair compensation, to the extent the law will allow, including damages for their loss of
9 support, loss of inheritance and accumulations, loss of love, affection, consortium,
10 companionship, protection, comfort and guidance, loss of society, loss of mutual benefits
11 inherent in family relationships, loss of services, each passenger's pre-impact fear of
12 impending death as well as compensation for the pain, mental suffering, grief, sorrow,
13 stress, shock they each sustained by reason of their loved one's murder.
14

15 **WHEREFORE**, Plaintiffs seek the entry of judgment for damages against ATCA
16 in such amounts as a jury determines is just, full and fair compensation, together with
17 interest and costs.
18

19 **JURY DEMAND**

20 Plaintiffs respectfully demand a trial by jury.
21

22
23 RESPECTFULLY SUBMITTED this 13th day of April, 2016.
24

25 KREINDLER & KREINDLER LLP
26

27 By /s/ Francis G. Fleming
28 Francis G. Fleming

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